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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

A.D. and C. by CAROL COGHLAN
CARTER, their next friend;
S.H. and J.H., a married couple;
M.C. and K.C., a married couple;
for themselves and on behalf of a class of
similarly-situated individuals,
Plaintiffs,

vs.

KEVIN WASHBURN, in his official
capacity as Assistant Secretary of BUREAU
OF INDIAN AFFAIRS;
SALLY JEWELL, in her official capacity as
Secretary of Interior, U.S. DEPARTMENT
OF THE INTERIOR;
GREGORY A. McKAY, in his official
capacity as Director of ARIZONA
DEPARTMENT OF CHILD SAFETY,
Defendants.

No. CV-15-1259-PHX-NVW

**FEDERAL DEFENDANTS'
MOTION FOR EXCESS PAGES**

1 Federal Defendants Kevin Washburn, Assistant Secretary for Indian Affairs,
2 United States Department of the Interior¹, and Sally Jewell, Secretary of the Interior,
3 hereby move this Court for leave to file a combined motion and memorandum of thirty-
4 five (35) pages length, in excess of the seventeen page limit established by the Local
5 Rules. *See* LRCiv. 7.2(e)(1). Counsel for all parties have been consulted with regard to
6 this motion and consent.

7 Good cause supports this motion. The seventeen page limit established by
8 LRCiv. 7.2(e)(1) does not suffice for a full and fair presentation of the legal issues raised
9 in the Federal Defendants' motion to dismiss. Plaintiffs' complaint brings five counts
10 against the Federal Defendants and raises numerous constitutional challenges to the
11 Indian Child Welfare Act, including due process, equal protection and First Amendment
12 challenges to various provisions of the statute. Moreover, Plaintiffs also bring a claim
13 under the Administrative Procedure Act challenging the Bureau of Indian Affairs'
14 Guidelines for State Courts and Agencies in Indian Child Custody Proceedings, 80 F.R.
15 10,146. Besides raising jurisdictional arguments like standing and lack of final agency
16 action, the Federal Defendants seek dismissal for failure to state a claim. The proposed
17 motion and memorandum have been stringently edited but we do not believe they can be
18 edited any further without prejudicing our presentation of the legal issues before the
19 Court.

20 Accordingly, the Federal Defendants respectfully request the Court permit filing
21 of the attached motion and memorandum in excess of the Local Rule page limits.
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27 ¹ Plaintiffs' case caption erroneously identifies Kevin Washburn as Assistant Secretary
28 of the Bureau of Indian Affairs.

RESPECTFULLY SUBMITTED this sixteenth day of October, 2015 by:

JOHN C. CRUDEN
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2015, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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DEPARTMENT OF CHILD SAFETY,

Defendants.

No. 2:15-CV-01259- PHX-NVW

[PROPOSED] ORDER

The Court having considered the Federal Defendants' motion for excess pages
and good cause appearing,

IT IS ORDERED that the federal defendants may file a motion to dismiss with
attached memorandum of thirty-five (35) pages length.